

111TH CONGRESS
1ST SESSION

S. 1293

To amend the Richard B. Russell National School Lunch Act to improve automatic enrollment procedures for the national school lunch and school breakfast programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2009

Mr. BENNET (for himself, Mr. BROWN, and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Richard B. Russell National School Lunch Act to improve automatic enrollment procedures for the national school lunch and school breakfast programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Enhancing Child
5 Health with Automatic School Meal Enrollment Act of
6 2009”.

1 **SEC. 2. IMPROVING DIRECT CERTIFICATION.**

2 (a) PERFORMANCE AWARDS.—Section 9(b)(4) of the
 3 Richard B. Russell National School Lunch Act (42 U.S.C.
 4 1758(b)(4)) is amended—

5 (1) in the paragraph heading, by striking
 6 “FOOD STAMP” and inserting “SUPPLEMENTAL NU-
 7 TRITION ASSISTANCE PROGRAM”; and

8 (2) by adding at the end the following:

9 “(E) PERFORMANCE AWARDS.—

10 “(i) IN GENERAL.—Effective for each
 11 of the schools years beginning July 1,
 12 2010, July 1, 2011, and July 1, 2012, the
 13 Secretary shall offer performance awards
 14 to States to encourage the States to ensure
 15 that all children eligible for direct certifi-
 16 cation under this paragraph are certified in
 17 accordance with this paragraph.

18 “(ii) REQUIREMENTS.—For each
 19 school year described in clause (i), the Sec-
 20 retary shall—

21 “(I) consider State data from the
 22 prior school year, including estimates
 23 contained in the report required under
 24 section 4301 of the Food, Conserva-
 25 tion, and Energy Act of 2008 (42
 26 U.S.C. 1758a); and

1 “(II) make performance awards
2 to, as determined by the Secretary—

3 “(aa) 5 States that dem-
4 onstrate outstanding perform-
5 ance; and

6 “(bb) 5 States that dem-
7 onstrate substantial improve-
8 ment.

9 “(iii) FUNDING.—

10 “(I) IN GENERAL.—On October
11 1, 2009, and on each October 1 there-
12 after through October 1, 2011, out of
13 any funds in the Treasury not other-
14 wise appropriated, the Secretary of
15 the Treasury shall transfer to the Sec-
16 retary, to remain available until ex-
17 pended—

18 “(aa) \$2,000,000 to carry
19 out clause (ii)(I); and

20 “(bb) \$2,000,000 to carry
21 out clause (ii)(II).

22 “(II) RECEIPT AND ACCEPT-
23 ANCE.—The Secretary shall be enti-
24 tled to receive, shall accept, and shall
25 use to carry out this clause the funds

1 transferred under subclause (I), with-
 2 out further appropriation.”.

3 (b) CORRECTIVE ACTION PLANS.—Section 9(b)(4) of
 4 the Richard B. Russell National School Lunch Act (42
 5 U.S.C. 1758(b)(4)) (as amended by subsection (a)) is
 6 amended by adding at the end the following:

7 “(F) CORRECTIVE ACTION PLANS.—

8 “(i) IN GENERAL.—Each school year,
 9 the Secretary shall—

10 “(I) identify, using estimates
 11 contained in the report required under
 12 section 4301 of the Food, Conserva-
 13 tion, and Energy Act of 2008 (42
 14 U.S.C. 1758a), States that directly
 15 certify less than 95 percent of the
 16 total number of children in the State
 17 who are eligible for direct certification
 18 under this paragraph; and

19 “(II) require the States identified
 20 under subclause (I) to implement a
 21 corrective action plan to fully meet
 22 the requirements of this paragraph.

23 “(ii) IMPROVING PERFORMANCE.—A
 24 State may include in a corrective action
 25 plan under clause (i)(II) methods to im-

1 prove direct certification required under
2 this paragraph or paragraph (15) and dis-
3 cretionary certification under paragraph
4 (5).

5 “(iii) FAILURE TO MEET PERFORM-
6 ANCE STANDARD.—

7 “(I) IN GENERAL.—A State that
8 is required to implement a corrective
9 action plan under clause (i)(II) shall
10 be required to submit to the Sec-
11 retary, for the approval of the Sec-
12 retary, a direct certification improve-
13 ment plan for the following school
14 year.

15 “(II) REQUIREMENTS.—A direct
16 certification improvement plan under
17 subclause (I) shall include—

18 “(aa) specific measures that
19 the State will use to identify
20 more children who are eligible for
21 direct certification;

22 “(bb) a timeline for the
23 State to implement those meas-
24 ures; and

1 “(cc) goals for the State to
 2 improve direct certification re-
 3 sults.”.

4 (c) WITHOUT FURTHER APPLICATION.—Section
 5 9(b)(4) of the Richard B. Russell National School Lunch
 6 Act (42 U.S.C. 1758(b)(4)) (as amended by subsection
 7 (b)) is amended by adding at the end the following:

8 “(G) WITHOUT FURTHER APPLICATION.—

9 “(i) IN GENERAL.—In this paragraph,
 10 the term ‘without further application’
 11 means that no action is required by the
 12 household of the child.

13 “(ii) CLARIFICATION.—A requirement
 14 that a household return a letter notifying
 15 the household of eligibility for direct cer-
 16 tification or eligibility for free school meals
 17 does not meet the requirements of clause
 18 (i).”.

19 **SEC. 3. REPORT ON USING STATEWIDE EDUCATION DATA-**
 20 **BASES FOR DIRECT CERTIFICATION.**

21 (a) REPORT.—Not later than 2 years after the date
 22 of enactment of this Act, the Secretary of Education shall
 23 prepare and submit to Congress a report regarding how
 24 statewide databases developed by States to track compli-
 25 ance with the requirements of part A of title I of the Ele-

1 elementary and Secondary Education Act of 1965 (20 U.S.C.
2 6311 et seq.) can be used for purposes of direct certifi-
3 cation under section 9(b) of the Richard B. Russell Na-
4 tional School Lunch Act (42 U.S.C. 1758(b)).

5 (b) CONTENTS.—The report described in subsection
6 (a) shall—

7 (1) identify the States that have, as of the time
8 of the report, developed statewide databases to track
9 compliance with the requirements of part A of title
10 I of the Elementary and Secondary Education Act
11 of 1965 (20 U.S.C. 6311 et seq.);

12 (2) describe best practices regarding how such
13 statewide databases can be used for purposes of di-
14 rect certification under section 9(b) of the Richard
15 B. Russell National School Lunch Act (42 U.S.C.
16 1758(b));

17 (3) include case studies of States that have ex-
18 panded such statewide databases so that such state-
19 wide databases can be used for direct certification
20 purposes; and

21 (4) identify States with such statewide data-
22 bases that would be appropriate for expansion for di-
23 rect certification purposes.

24 (c) FUNDING.—

1 (1) IN GENERAL.—On October 1, 2009, out of
2 any funds in the Treasury not otherwise appro-
3 priated, the Secretary of the Treasury shall transfer
4 to the Secretary to carry out this section \$500,000,
5 to remain available through September 30, 2012.

6 (2) RECEIPT AND ACCEPTANCE.—The Sec-
7 retary shall be entitled to receive, shall accept, and
8 shall use to carry out this section the funds trans-
9 ferred under paragraph (1), without further appro-
10 priation.

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